1/25/76

JL: Bresson's FOIA affidavit in CA 75-1171, Rosenberg case - general and specfic comments for them if you elect and for su, especially if as I suggest, you reserve them for the same judge in CA 75-1996. (Bresson's 9/25/75, third affidavit.)

This could be anything from a completely truthful statement as it relates to this case, which I very much doubt, to a complete deception, which I also doubt. I think it most likely that in between there is deception and that it can be detected from careful reading of the exact language. Maybe not all but enough.

There is evasive language but there is no certainty that in some cases it is no more than FBI prose, a style developed over the years to protect the FBI no matter what and to lead others astray. One of the minor clues is the use of conditional rather than present, which is repeated. Another is a limitation of FBI headquarters files only and of these to what is on index cards only. From this affidavit one would never dream that the computer had been inventeds or that the FBI wants to have all of everyone else's feed into its. (I have a rudimentary files on this. I think the clips are enough. It is Data Banks, under FBI.

It is possible to read this affidavit and not have the slightest idea what if any subject headings there are, were or could be. The competence of the"classified" oe training or rank isn't even suggested. It iit could be an apprentice janitor and from cases I can cite he should never go higher in the FBI.

There isn't any indication of any FBI field office filesx on the case, as most certainly there were, or of any checking of them. In fact, this affidavit precludes that. Yet we know of cases where files were kept out of HQ. Others of that were destroyed. Not just the Oswald note. No reference to any FBI agent's notes - and they were or were not destroyed, as the case may be. That they were commonly destroyed is under oath in the Warren transcripts of testimony. No reference to anything that need lead to scientific tests, and there were some in this case and certainly should have been. There could, from this affidavit (and I'm not suggesting this is the actuality) be a file 100 times the size of what is admitted under "atom bomb." All this says is that what is on cards in the FBI HQ onlyxx and proper names only holds a reference to documents. (Suppose for example that there were a separate system once the Internal Security Division was set up and some were transferred?)

I have made notes as I read, in the margin. I can't type them all up now but I can probably at a later date, if necessary, recall xxxx enough from them. (Matter of fact, I think some "internal security" matters were transferred out of HQ and into WFO.)

As it relates to subjects (and I see no reference to the attaching of such a list if FBI subject headings) this is not even a good joke. I think we or Perling xx can make the point effectively and dramatically with the first few pages of the Warren Commission's List of Basic Source Materials. I have it. I theink there are places where there are three or more continuous pages where the FBI's subject for the JFK assassination is given as Lee Harvey Oswald; Internal Security (I think uncommonly); Russia or USSR; Cuba. And in not one of these cases or anyx that I can now recall is the main subject, JFK assassination or the subsidiary subject, Report to the Warren Commission, ever given. In no singlecase do I recall any subject heading that indicates the nature of the report. (Ex- ...ist indicates it the FBI may not because the list was not made up by FBI.)

It could be much fun on this question of retrieval and Bresson's and similar affidavits to hand a copy of the Basic List to one on the stand and ask for a reference in it to the JFK assassination, etc. And once again no indication that anyone in charge of the files was consulted, anyone with first-hand knowledge. Bresson limits what he checked and limits his affidavit to that. Remember Kilty - and not frazier? HW